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**SENATE BILL 929**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Shannon Robinson

**AN ACT**

**RELATING TO PROBATE; ENACTING A NEW SECTION OF THE UNIFORM  
PROBATE CODE TO PROVIDE A STATUTE OF LIMITATION ON A DECEDENT'S  
CLAIM FOR RELIEF.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. A new section of the Uniform Probate Code is  
enacted to read:**

**"[NEW MATERIAL] LIMITATION ON DECEDENT'S CAUSE OF  
ACTION. --**

**A. This section only applies when a decedent's  
claim for relief arises before and survives the decedent's  
death and are not otherwise barred.**

**B. The provisions contained in this section apply  
to all statutes of limitation applicable to a decedent's claims  
for relief that arise during the decedent's lifetime, whether**

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1 those claims accrue before, at or after the decedent's death.

2 C. No statute of limitation applied to a decedent's  
3 claim for relief covered by this section shall bar a claim for  
4 relief sooner than four months after death.

5 D. Unless a statute of limitation is otherwise  
6 tolled, a decedent's claim for relief that, but for this  
7 section, would have been barred less than four months after the  
8 decedent's death, is barred after four months after the  
9 decedent's death.

10 E. Subject to the provisions of Subsection C of  
11 this section, unless a statute of limitation is otherwise  
12 tolled, if it begins to run before a decedent's death it shall  
13 continue to run unabated against a decedent's claim for relief  
14 after the decedent's death.

15 F. Subject to the provisions of Subsection A of  
16 this section and unless specifically designated otherwise by  
17 statute, a decedent's claims for relief pass directly and  
18 exclusively to the personal representative of the decedent's  
19 estate.

20 G. The personal representative of the decedent's  
21 estate has the exclusive authority, standing and capacity to  
22 pursue the decedent's claims for relief. No suit may be filed  
23 on behalf of the decedent until a personal representative has  
24 been properly qualified and appointed as such pursuant to the  
25 requirements contained elsewhere in the Uniform Probate Code.

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H. No statute of limitation shall begin to run against a decedent's claim for relief that accrues at or after the decedent's death until the personal representative of the decedent's estate has been properly qualified and appointed as such pursuant to the requirements contained elsewhere in the Uniform Probate Code.

I. The provisions contained in this section do not apply to statutes of limitation applicable to claims for relief of the estate of the decedent. "

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